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AT&T Legal Department - Moazzam
Attn: Patent Docketing
Room 2A-207
One AT&T Way
Bedminster, NJ 07921

EXAMINER	
CHRISTENSEN, SCOTT B	

ART UNIT	PAPER NUMBER
2444	

MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/763,862	YING ET AL.	
	Examiner	Art Unit	
	SCOTT CHRISTENSEN	2444	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 March 2011*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3,5,6,8-12,14,15,17,19,21,22 and 24-26* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3,5,6,8-12,14,15,17,19,21,22 and 24-26* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This office action is in response to Applicant's amendment filed 3/30/2011.

Response to Arguments

2. Applicant's arguments with respect to claims 1-3, 5-6, 8-12, 14-15, 17, 19, 21-22, and 24-26 have been considered but are deemed not persuasive.

3. Applicant's sole argument appears to concern the limitation "wherein access is denied to network services other than customer services upon the device identifier appearing in the deny database, where on pages 8-10, Applicant addresses the references cited for the independent claim, and on pages 11-17, Applicant addresses some of the dependent claims, but merely states that they are allowable as none of the references, including those cited specifically for limitations added in the dependent claims, teaches the subject matter of the independent claims.

To teach the argued limitation, the teaching of Agarwal where devices, instead of being denied full access, are given access to customer service (Agarwal: Column 2, lines 57-62) was cited. On page 10 of Applicant's remarks, Applicant asserts that Agarwal discloses that the connection to the customer service center is in response to an authentication failure.

However, in the combination of Oommen, Kerdraon, and Agarwal, as applied, the failure in authentication is due to the device identifier being in the blacklist, meaning that an authentication failure, such as in Agarwal, would be in response to the device identifier being in the black list.

It is noted that one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). However, Applicant's arguments appear to only be addressed to each reference individually with only a broad statement that the none of the references "alone or in combination, teach all of the elements in the independent claim" to address the actual combination. Accordingly, Applicant's arguments cannot be deemed persuasive, as they fail to address the rejection as a whole, and contrary to Applicant's assertion, at least one combination, as addressed above and in the rejection below, teaches each limitation of the independent claims, including the argued access to customer service.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1, 10, and 24-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oommen et al. in US 2003/0103484, hereafter referred to as "Oommen," in view of Kerdraon et al. in US 2007/0118629, hereafter referred to as "Kerdraon" and Agarwal et al. in US 7,010,699, hereafter referred to as "Agarwal."

6. With regard to claim 1, Oommen discloses a method comprising:

receiving one of a Short Message Service, Enhanced Message Service, Multimedia Message Service, and SyncML message (Oomen: Page 6, Paragraph 0062);

extracting a device identifier and a subscriber identitier from the message (Oomen: Page 6, Paragraph 0062 and Page 8, Paragraph 0079. The IMSI_M identifies the subscriber. Further, it is noted that there is no requirement that the device identifier and subscriber identity are different parameters, and thus the two may refer to a single parameter that identifies the device and the subscriber.);

applying the device identifier to determine a device status (Oomen: Page 6, Paragraph 0062. Using a SyncML, unique device identity as well as the capabilities of the device and device information are ascertained), including location information (Oomen: Page 3, Paragraph 0025);

applying the subscriber identifier to identify subscriber services (Oomen: Page 1, Paragraph 0006. The subscribers are the ones who access the messaging system and are identified to determine that the subscriber is a subscriber.); and

applying permissions for access to the subscriber services by the subscriber according to the device status (Oomen: Page 1, Paragraph 0006. The subscribers can send messages, where the services are provided according to the device's address/location.),

wherein the location information is a geographical location (Oomen: Figure 1).

Oomen does not appear to disclose expressly:

applying the device identifier to a deny database including a list of devices to deny access to network services; and

that the location information includes a logical location.

However, Kerdraon discloses a system which utilizes profiles to identify one of a plurality terminals which is selected based on the user's current status (Kerdraon; Paragraph [0072]).

Accordingly, it would have been obvious to utilize the availability services of Kerdraon to allow the user to identify their status.

The suggestion/motivation for doing so would have been that by allowing the user's current availability, including status and terminal to be used, allows the user to have messages forwarded based on the user's current logical location (e.g. status), thus ensuring that communications are received by the user in the most convenient manner possible.

Further, Official Notice (See MPEP 2144.03) is taken that filters and firewalls that include a black list or require authentication to bypass were very well known in the art.

Accordingly, it would have been obvious to interact with a deny database including a list of devices to deny access to network services.

The suggestion/motivation for doing so would have been that by utilizing blacklists, clients that have been identified as being undesirable can be denied access to the database. This may include specific nodes or ranges of nodes (for example, nodes that are identified as having an address corresponding to problematic areas or being outside of an area that service is to be provided to) or to any node that cannot be

properly authenticated. Thus, a simple and effective tool can be utilized to restrict access to only those nodes that should be accessing the system.

Oommen as modified by Kerdraon do not appear to teach expressly that access is denied to network services other than customer services upon the device appearing in the deny database

However, Agarwal teaches a system where instead of denying service to devices that cannot be authenticated, the device connection is forwarded to a customer service center (Agarwal: Column 2, lines 57-62).

Accordingly, it would have been obvious that for devices on a deny list to still allow customer services.

The suggestion/motivation for doing so would have been that if a user cannot determine the cause of failure for a connection, and is unwilling or unable to determine the cause of failure, the user may seek other communication services or another service provider (Agarwal: Column 1, lines 62-65). Thus by providing a connection to customer service while denying other connections, a user would be able to more easily determine the reason for the denial, and would provide better customer services. This would allow the service provider to maintain more subscribers.

7. With regard to claim 10, the instant claim is substantially similar to the invention claimed in claim 1, and is rejected for substantially similar reasons.

8. With regard to claim 24, Oommen as modified by Kerdraon and Agarwal teaches that the logical location is a status of the user (Kerdraon: Paragraph [0072]).

9. With regard to claim 25, the instant claim is substantially similar to the invention claimed in claim 24, and is rejected for substantially similar reasons.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

11. Claims 2 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oomen in view of Kerdraon and further in view of US 2003/0126209 to Wen et al., hereafter referred to as "Wen."

12. With regard to Claim 2, Oomen as modified by Kerdraon and Wen teaches the method of claim 1, further comprising: extracting an International Mobile Equipment Identity from the message (Oomen: Page 6, Paragraph [0062]).

13. With regard to Claim 12, the instant claim is substantially similar to the invention claimed in claim 2, and is rejected for substantially similar reasons.

Claim Rejections - 35 USC § 103

14. Claims 19 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al. in US 2005/0153741, hereafter referred to as "Chen," in view of Oommen, Kerdraon and Agarwal.

15. With regard to Claim 19 Chen discloses a communication arrangement comprising:

a Short Message Service Center (SMSC) (Chen: Fig. 5, 517);

a permissions facility (Chen: Fig. 5, 523); and

a network element configured to

receive a Short Message Service message from a device via the SMSC (Chen: Fig. 5, 519),

apply the device identifier to locate device status information (Chen: Fig. 7, 718 & ¶0057, lines 29-35),

extract a subscriber identifier from the message (Chen: ¶0012),

apply the subscriber identifier to determine subscriber services (Chen: ¶0012), and

interact with the permissions facility to determine permissions to apply to service requests originating from the device according to the device status (Chen: Fig. 7, 716 & ¶0057, lines 25-28).

Chen does not teach expressly extracting a device identifier from the message, location information, or that the location information includes a geographic location and

a logical location, or applying the device identifier to the deny database to deny access to the network services except for customer service.

However, Oomen teaches extracting a device identifier from the message, location information, and that the location information is one or more of a geographic location and a logical location (Oomen: Page 6, Paragraph [0062] and Page 3, Paragraph [0025]).

It would have been obvious to one of ordinary skill in the networking art at the time the applicant's invention was made to combine Oommen's teachings of ascertaining the device identity, capabilities and information with the teachings of Chen, for the purpose of facilitating retrieval of mobile device configuration or capabilities. Chen provides motivation to do so, by enabling a network to detect when a subscriber changes phones and uses the same subscriber identification (SIM) card as well as a subscriber using someone else's SIM card in their mobile handset (Chen: Page 1, Paragraph 0008).

However, Kerdraon discloses a system which utilizes profiles to identify one of a plurality terminals which is selected based on the user's current status (Kerdraon; Paragraph [0072]).

Accordingly, it would have been obvious to utilize the availability services of Kerdraon to allow the user to identify their status.

The suggestion/motivation for doing so would have been that by allowing the user's current availability, including status and terminal to be used, allows the user to have messages forwarded based on the user's current logical location (e.g. status), thus

ensuring that communications are received by the user in the most convenient manner possible.

Further, Official Notice (See MPEP 2144.03) is taken that filters and firewalls that include a black list or require authentication to bypass were very well known in the art.

Accordingly, it would have been obvious to interact with a deny database including a list of devices to deny access to network services.

The suggestion/motivation for doing so would have been that by utilizing blacklists, clients that have been identified as being undesirable can be denied access to the database. This may include specific nodes or ranges of nodes (for example, nodes that are identified as having an address corresponding to problematic areas or being outside of an area that service is to be provided to) or to any node that cannot be properly authenticated. Thus, a simple and effective tool can be utilized to restrict access to only those nodes that should be accessing the system.

Further, Agarwal teaches a system where instead of denying service to devices that cannot be authenticated, the device connection is forwarded to a customer service center (Agarwal: Column 2, lines 57-62).

Accordingly, it would have been obvious that for devices on a deny list to still allow customer services.

The suggestion/motivation for doing so would have been that if a user cannot determine the cause of failure for a connection, and is unwilling or unable to determine the cause of failure, the user may seek other communication services or another service provider (Agarwal: Column 1, lines 62-65). Thus by providing a connection to customer

service while denying other connections, a user would be able to more easily determine the reason for the denial, and would provide better customer services. This would allow the service provider to maintain more subscribers.

16. With regard to claim 26, the instant claim is substantially similar to the invention claimed in claim 24, and is rejected for substantially similar reasons.

Claim Rejections - 35 USC § 103

17. Claims 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen in view of Oomen, Kerdraon and Agarwal and further in view of Wen.

18. With regard to Claim 21, Chen as modified by Oommen, Kerdraon, and Wen, as applied to claim 26, above, teaches the invention as substantially claimed except the network element further configured to extract an International Mobile Equipment Identity from the message.

However, Wen teaches extracting an Internet Mobile Equipment Identity from the message (Wen: Paragraph [0062]).

It would have been obvious to one of ordinary skill in the networking art at the time the applicant's invention was made to combine Wen's teachings of ascertaining the device unique identity with the teachings of Chen.

The suggestion/motivation for doing so would have been for the purpose of facilitating retrieval of mobile device configuration or capabilities (Oommen: Paragraph [0002])). Chen provides motivation to do so, by enabling a network to detect when a subscriber changes phones and uses the same subscriber identification (SIM) card as well as a subscriber using someone else's SIM card in their mobile handset (see Chen, Page 1, ¶0008).

19. With regard to Claim 22, the instant claim is rejected for substantially similar reasons as claim 21.

Claim Rejections - 35 USC § 103

20. Claims 3, 8, 9, 11, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oommen in view of Kerdraon and Wen and further in view of Chen.

21. With regard to Claim 3, Oomen as modified by Kerdraon and Wen teaches the invention as substantially claimed except setting network access permissions according to the device status for a device corresponding to the device identifier.

In the same field of endeavor, Chen teaches setting network access permissions according to device status for a device corresponding to the device identifier (Chen: Fig. 6, ¶0047).

It would have been obvious to one of ordinary skill in the networking art at the time the applicant's invention was made to combine Chen's teachings of registering a mobile device according to the received information corresponding to the device

identification with teachings of Oommen, for the purpose of enabling a network to detect when a subscriber changes phones and uses the same subscriber identification (SIM) card as well as a subscriber using someone else's SIM card in their mobile handset (see Chen, Page 1, ¶0008). Oommen provides motivation to do so, by facilitating retrieval of mobile device configuration or capabilities (see Oommen, ¶0002).

22. With regard to Claim 8, Oommen as modified by Kerdraon, Wen and Chen as applied to claim 7 above substantially disclose the invention as claimed. Chen further discloses: extracting at least one of an International Mobile Subscriber Identity and an Integrated Circuit Card ID from the (see e.g. Fig. 7, 714, ¶0057) extracting the Subscriber Information from the message received message (IMSI).

23. With regard to Claim 9, Oommen as modified by Kerdraon, Wen and Chen as applied to claim 7 above substantially disclose the invention as claimed. Chen further discloses: applying the subscriber identifier to locate subscriber information (see e.g. Fig. 6, ¶0047) a server registering the mobile device according to the received information corresponding to the Subscriber identification (IMSI) and device information (IMEI).

24. With regard to claim 11, the instant claim is substantially similar to claim 3, and is rejected for substantially similar reasons.

25. With regard to Claim 17, Oommen as modified by Kerdraon, Wen and Chen as applied to claim 16 above substantially disclose the invention as claimed. Chen further discloses: subscriber identifier is at least one of International Mobile Subscriber Identity and Integrated Circuit Card ID (see e.g. Fig. 7, 714, ¶0057) extracting the Subscriber Information from the message received message (IMSI).

Claim Rejections - 35 USC § 103

26. Claims 5, 6, 14, 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oommen in view of Kerdraon, Agarwal and Wen and further in view of Corrigan et al. (Corrigan), US PG Pub. No. 2002/0187775.

27. With regard to Claim 5, Oommen as modified by Lee and Wen as applied to claim 1 above substantially discloses the invention as claimed. However Oommen does not explicitly teach: receiving the message via a Short Message Peer to Peer interface.

In the same field of endeavor, Corrigan teaches, (see e.g. Page 7, ¶0178, lines 6-11) utilizing the Short Message Peer to Peer interface for reception of the Short Message Service.

It would have been obvious to one of ordinary skill in the networking art at the time the applicant's invention was made to combine Corrigan's teachings of reception of the SMS via the Short Message Peer to Peer interface with teachings of Oommen, for Optimal delivery of services over various bearers (see Corrigan, Page 1, ¶0013). Oommen provides motivation to do so, by facilitating retrieval of mobile device configuration or capabilities (see Oommen, ¶0002).

28. With regard to Claim 6, Oommen as modified by Kerdraon and Wen as applied to claim 1 above substantially discloses the invention as claimed. However Oommen does not explicitly teach: communicating the device status to a customer care facility.

In the same field of endeavor, Corrigan teaches, (see e.g. Page 3, ¶0072) the portal provides customer care personnel access to provisioning database.

It would have been obvious to one of ordinary skill in the networking art at the time the applicant's invention was made to combine Corrigan's teachings of the portal providing customer care personnel with access to provisioning database with teachings of Oommen, for Optimal delivery of services over various bearers (see Corrigan, Page 1, ¶0013). Oommen provides motivation to do so, by facilitating retrieval of mobile device configuration or capabilities (see Oommen, ¶0002).

29. With regard to Claim 14, Oommen as modified by Kerdraon and Wen and Corrigan as applied to claim 10 above substantially disclose the invention as claimed. Corrigan further discloses logic to cause the receiving of the message via a Short Message Peer to Peer interface (see e.g. Page 7, ¶0178, lines 6-11) utilizing the Short Message Peer to Peer interface for reception of the Short Message Service.

30. With regard to Claim 15, Oommen as modified by Kerdraon and Wen and Corrigan as applied to claim 10 above substantially disclose the invention as claimed. Corrigan further discloses logic to cause the communicating of device status to a

customer care facility (see e.g. Page 3, ¶0072) the portal provides customer care personnel access to provisioning database.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Christensen whose telephone number is (571)270-1144. The examiner can normally be reached on Monday through Thursday 6:30AM - 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on (571) 272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Scott Christensen/
Examiner, Art Unit 2444